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September 12, 2007

Via Facsimile

Hon. Charles L. Brieant  
United States District Court  
Southern District of New York  
United States Courthouse  
300 Quarropas Street, Room 275  
White Plains, New York 10601-4150  
Attn: Alice Cama

Re: Fielman v. PepsiCo, Inc., 07 CIV 6815

Dear Judge Brieant:

We represent Defendants PepsiCo, Inc. and Pepsi Bottling Group, Inc. in the above referenced matter.

We are writing to confirm that on Monday September 10, 2007, counsel for plaintiffs and defendants contacted the Court jointly requesting that the conference scheduled for October 5, 2007 be rescheduled because of a conflict with a Jewish holiday. On that call to Chambers, we determined that the next available date on which the Court and counsel for both plaintiffs and defendants were available for a conference was on October 26, 2007 at 9 A.M. Your Chambers requested that we send this fax to confirm our conversation and record our request. Should the Court have any further questions or concerns, we will be happy to address them.

Thank you for your attention to this matter.

Respectfully submitted,

  
Michael S. Lazaroff

cc: Jeffrey Klafter, Esq.  
James Parrot, Esq.

**RECEIVED**  
*Application granted*  
*Conference scheduled for*  
*10/26/07 @ 9:00 AM*  
*to be held at*  
*USDC*  
*Sept 13, 2007*  
*Charles L. Brieant*